

# The IPKat

Passionate about IP! Since June 2003 the IPKat has covered copyright, patent, trade mark, info-tech, privacy and confidentiality issues from a mainly UK and European perspective. The team is Neil J. Wilkof, Annsley Merelle Ward, Nicola Searle, Eleonora Rosati, and Merpel, with contributions from Mark Schweizer. Read, post comments and participate! E-mail the Kats [here](#)

The team is joined by Guest Kats Rosie Burbidge, Stephen Jones, Mathilde Pavis, and Eibhlín Vardy, and by InternKats Verónica Rodríguez Arguijo, Hayleigh Boshier, Tian Lu and Cecilia Sbröllli.



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- \* Recommended by the European Patent Office as reading material for candidates for the European Qualifying Examinations 2013
- \* Listed as a "Top Legal Blog" in *The Times Online*, March 2011
- \* One of only two non-US weblogs listed in the [2010 ABA Journal](#) Blawg 100

Monday, 16 October 2017

## From Alicante to Munich - the EPO appoints its new President

The EPO has [announced](#) that Antonio Campinos has been elected as its new President. His appointment will be for a five-year term starting on 1 July 2018.

Mr. Campinos, a Portuguese national, is currently Executive Director of the European Union Intellectual Property Office (EUIPO). He is also a former President of the Portuguese Institute of Industrial Property (INPI). In his welcome to his successor, current President of the EPO Benoît Battistelli hailed the appointment of Mr. Campinos as "a victory for Europe in its diversity", being the first time a national from the South of Europe has been appointed the head of the EPO.

In his role at the EUIPO, formerly known as OHIM, Mr. Campinos presided over the expansion of the office's facilities and the introduction of management and organizational changes.

Mr. Campinos has a degree in Law from the University of Montpellier, a postgraduate degree in European Studies from the University of Nancy, and a Masters' degree in Public Law from the University of Montpellier. He worked for the Portuguese Ministry of Economy and Innovation before becoming Director of Trademarks at the INPI in 2000. He has been Chairman of the Board of Directors at the University of Strasbourg Centre for Intellectual Property Studies (CEIPI) since 2013.

Merpel welcomes Mr. Campinos to the exciting world of European Patents.

Posted by Merpel at 20:09:00  
Labels: [EPO president](#), [European Patent Office](#)



### 34 comments:

**Anonymous said...**

UKIPO?

[Monday, 16 October 2017 at 20:21:00 BST](#)

**Ilanah Fhima said...**

"The UKIPO, formerly known as OHIM"? Does the IPKat know something about Brexit that we don't?

[Monday, 16 October 2017 at 20:39:00 BST](#)

**Spielverderber said...**

"Merpel welcomes Mr. Campinos to the exciting world of European Patents."

Shouldn't that read "to the murky world of the European Patent Office"?

[Tuesday, 17 October 2017 at 07:14:00 BST](#)

**Anonymous said...**

Let's see this victor for diversity: he studied in Montpellier, PhD in Nancy, Master in Montpellier, chairman at Strasbourg. All together now: nous souhaitons la bienvenue à Monsieur le Président de l'OEB.

[Tuesday, 17 October 2017 at 08:09:00 BST](#)

**Anonymous said...**

Bringbackalib. said...

The Importance of Being Ernst is a farcical comedy with a Wilde plot about patent quality. This Oscar candidate will be showing at your local cinema soon(open Bank Holidays).

[Tuesday, 17 October 2017 at 08:57:00 BST](#)

**Anonymous said...**

Another French grand commis d'état in disguise...

[Tuesday, 17 October 2017 at 09:39:00 BST](#)

**Anonymous said...**

I do hope that the new president continues the process of reform carried out by Battistelli. In spite all of the mewings by Merpel, the EPO has noticeably improved its productivity, and to this reader, maintained its quality.

I hope that the new president will sort out the disgraceful remuneration system for EPO employees to connect pay to productivity, not to the number of children they have, and I hope that he can reduce official fees to a reasonable level.

[Tuesday, 17 October 2017 at 09:58:00 BST](#)

**MaxDrei said...**

To that last Anonymous, I too see an increase in something you might call "Quality". Every one of my cases glides through to issue. My clients pay the EPO fees and, in return, the EPO grants them a patent, as fast as the Applicant requires. No wonder some Applicants are happy.

So there are more crap patents, and more oppositions. And the oppositions get examined more quickly, don't they? Trouble is, OD Decisions are less and less rigorous. Crappy, one might suggest?

Which throws the burden of maintaining "quality" on to DG3. Precisely where the AC hasn't got a clue, and doesn't give a toss.

The consequences of this disgraceful sacrifice of "quality" will manifest themselves long after your career and mine have ended, anon. not to mention the EPO career of Senor Ernst.

[Tuesday, 17 October 2017 at 12:25:00 BST](#)

**Anonymous said...**

I agree with Max3. I see poor examination quality (sometimes to the detriment of my clients, sometimes to their benefit),

\* Court Reporter Top Copyright Blog award winner, November 2010

\* Number 1 in the 2010 **Top Copyright Blog** list compiled by the Copyright Litigation Blog, July 2010

\* Selected by United States Library of Congress for inclusion in its historic collections of Internet materials related to Legal Blawgs 2010

\* Top Patent Blog poll 2009: 3rd out of 50 in the "Favourite Patent Blog" poll and 2nd out of 50 in the "Most-read" poll

\* *ComputerWeekly* IT Law and Governance **Blog of the Year** 20 August 2008

\* **Best of the Blogs**, *Times Online*, 21 August 2008

\* Listed as one of *Managing Intellectual Property* magazine's Fifty Most Influential People of 2005, 2011, 2013 and 2014



## The IPKat's most-read posts in the past 30 days

Curtain - Merpel's final EPO post

As many kind readers have pointed out, the frequency of Merpel's visits to the EPO has been decreasing of late. This is, alas, not a sig...

Book Review: *The Fundamental Right to Data Protection*

Having found herself in the audience of talks on privacy (and surreptitiously trying to cover up her privacy-offending activity tracker), ...

From Alicante to Munich - the EPO appoints its new President

The EPO has announced that Antonio Campinos has been elected as its new President. His appointment will be for a five-year term starting ...

Italian Supreme Court confirms availability of copyright protection to TV formats

The TV format at the centre of the case decided by the Supreme Court TV formats may be incredibly valuable, and be sold in franchise i...

Proposed EMA relocation: staff survey update

Readers in the life science sector will be aware of the proposed relocation of the EMA away from London to another European city in the wak...

## The IPKat's cousins: some IP-friendly blogs for you

### IP Tango

Colombian Constitutional Court mandates Google to eliminate a blog from its platform Blogger

### At last ... the 1709 Copyright Bill

The Almost-Halloween Copycat!

### Afro-IP - african intellectual property law, practice and policies

Reflections on the Crammer(TM)

### jiplp

The Authors' Take - Spiegel Online: Do copyright exceptions and fundamental rights make easy bedfellows?

### MARQUES Class 46 Blog

Bundesgerichtshof: It is not over yet for the packet in the pocket

### The SPC blog

Tenofovir - the Swiss Bundespatentgericht goes for the infringement test

### IP finance

New report commissioned by UKIPO on IP valuation market: Observations by the authors

### SOLO Independent IP Practitioners

India and an Independent trademark system

### Art and Artifice

How art and law can work together beyond the marketplace

### PatLit: patent litigation law, practice and strategy

Recruitment of UPC Judges is now open

### MARQUES - Class 99 (Designs)

disrespect for procedures and for applicants legal rights.

I also see increased productivity, and in itself that is a good thing, but not with inferior quality

The Portuguese AC member hasn't exactly been particularly vocal in condemning BBs behaviour, and Campinos is clearly a member of the French school, so I am sceptical, but let's give him the benefit of the doubt.

[Tuesday, 17 October 2017 at 13:25:00 BST](#)



### Proof of the pudding said...

Better late than never. I was beginning to think that IPKat had given up entirely on matters pertaining to the EPC and the EPO.

On a more serious note, I am prepared to put my scepticism aside and see how Mr Campinos performs before reaching any conclusions on whether it is a good or a bad thing that he has been appointed as the next President of the EPO. In the meantime, I will be much more interested to see how another "newbie" performs: Mr Ernst, the Chairman of the AC. My hope is that the AC will grow a backbone and start taking its role as a supervisory authority more seriously.

In this regard, does anyone know the fate of CA/103/17 (<https://regmedia.co.uk/2017/10/10/epo-reforms.pdf>)? If the AC failed to block the heinous proposals in that document, then we will be able to say with certainty that, even under the new chairman, the AC is much more of a lapdog than a watchdog.

[Tuesday, 17 October 2017 at 14:07:00 BST](#)

### MaxDrei said...

Proof, you might be interested in the "Ernst" thread on the Kluwer blog, here:

<http://patentblog.kluweriplaw.com/2017/10/16/epo-all-problems-solved/>

As to those who sit on the AC, and whether they are worms or vertebrates, it is well-known to be folly to commit all your troops to a battle you cannot win. This is why, until now, so many AC members have declined to challenge BB to his face. But now BB is half way out the door, those AC Members, scarred during the tenancy of the departing President, have a second chance to do the right thing, to draw a better ethical line in the sand, and collectively grasp afresh the responsibilities that come with their office. Can we be optimistic that they will seize the chance, under their very experienced new Chair? I do hope so.

[Tuesday, 17 October 2017 at 18:19:00 BST](#)

### Anonymous said...

Proof...

Isn't that document on the agenda of the next AC, despite its date - it was too late for the October meeting? It still has to go to the Budget & Finance Committee.

[Tuesday, 17 October 2017 at 18:32:00 BST](#)

### Anonymous said...

at Tuesday, 17 October 2017 at 09:39:00 BST Anonymous said...

You are so damn right with your funny comment : see e.g.

. <https://www.ip-watch.org/2017/10/16/reckoning-system-battistelli/>

. [https://www.theregister.co.uk/2017/10/17/german\\_ip\\_lawyers\\_complaining\\_about\\_epo\\_patent\\_quality/](https://www.theregister.co.uk/2017/10/17/german_ip_lawyers_complaining_about_epo_patent_quality/)

. <http://patentblog.kluweriplaw.com/2017/10/16/epo-all-problems-solved/>

. <https://www.heise.de/newsticker/meldung/Kritik-an-ehemaligem-Chef-des-Europaeischen-Patentamts-3861946.html>

Please do your housework and check FACTS before trolling

[Tuesday, 17 October 2017 at 19:08:00 BST](#)

### MaxDrei said...

There is in Germany a misconceived idea that, given enough time, an Examining Division can issue a valid patent. Wrong! Inter partes proceedings are the only thing that can truly test validity. So there has to be a balance, how much time and effort to put into examination, ex parte, prior to issue. Too little, and crap patents routinely issue. Too much and EPO fees for everybody rise too high.

The EPO President must know this. The EPO AC must know this. Shame on them both, then, that they give no attention to getting the balance right. Shame on them, that they discard the jewel of the 40 years life of the EPO, namely, the vigour and "Quality" of DG3; the clarity of the Established Caselaw of the Boards of Appeal of the EPO.

[Tuesday, 17 October 2017 at 19:39:00 BST](#)

### Anonymous said...

There are so many hidden gems in CA/103/17 that one does not know where to start.

My preferred is however Article 14. A true masterpiece missed by many observers. While the newcomers are to be recruited on a fixed-term basis for a couple of years (extendable, of course, to introduce flexibility and modernise the framework) the present "compulsory retirement at 68 years" sentence is now suddenly gone, so that the old lucky ones who are in the grace of Le President may enjoy the EPO as long as they like after the age of 65 (always, of course, "in the interest of the service").

Proof, we'll know pretty soon what kind of dog the AC is.

[Tuesday, 17 October 2017 at 19:50:00 BST](#)

### Anonymous said...

1 - the EPO quality figures are produced and checked by the EPO (this in all objectivity of course).

2 - Dr Ernst (new Chairman of EPO Administrative Council since this month) was former Head of the German Delegation at the Administrative Council of the EPO.

During the past 5 years, Dr Ernst supported ALL policies presented by Mr Battistelli. Dr Ernst systematically disregarded ALL reasoned opinions he received from the Central Staff Committee and SUEPO among which those underlining :

- the risks on the health of staff generated by HR policies deliberately designed to add too much pressure with unrealistic production targets (please never forget the six suicides for which the CSC/SUEPO requested independent enquiries which were all refused by Mr Battistelli and the 7th miraculously avoided 3 weeks ago in The Hague see <http://www.br.de/br-fernsehen/sendungen/kontroversen/traumjob-albraum-arbeit-belastung-story-100.html>),

- the fact this far too high production pressure de facto leads to cutting corners with regards to patent quality.

The more one speaks about something (eg sex) the less he/she actually practices it.

Dr Ernst (or is it Germany?) speaks a lot of quality but it seems they play naughtly on all grounds at EPO:

1 - with Munich and Berlin as EPO branches : over a BILLION of EPO money have been invested in buildings (and their maintenance) over the past 4 decades in Germany.

2 - with Munich and Berlin as EPO branches : 4000 EPO Staff live in Germany with their families (thousands of dependents) and spend tons of EPO money in eg houses, schools, restaurants, cars, clothes etc; hundreds of pensioners (even expats)

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## Out for the count...

 Counter

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stay in Germany when retired and continue thus to actively support the German economy.

3 - Finally last year roughly about 140.000.000 Euros went from the EPO back into the German State budget (that of the Ministry of Justice).

GELDGIER. Nothing else but money matters at EPO.

Funny though is that after years of a brutal Battistelli regime actively supported by Dr Ernst, all of sudden some wonder that the quality of EPO patents may have declined. Funny is that they find surprising that when questioned Dr Ernst has nothing convincing to answer.

The reality at EPO today is simple: hundreds of EPO staff of each site come at work every day with pain in their stomach; hundreds are in treatment with psycho-therapists; hundreds take drugs to go to bed and other drugs to stand in the morning and be able to go to work.

You bet that they produce lower quality like hell since otherwise they fear reprisal via harsch sanctions in mock trials and are being put off work. All this was said by SUEPO to no avail for more than five years. All this is known by Dr Ernst which could not care less.

Yes the quality of patent at EPO is worse off than before Battistelli's time.

But have faith in the system: for his zealous and complacent attitude towards Battistelli Dr Ernst will soon be properly rewarded: he should get the position of VP5 which will soon be vacant (when current VP5, another competent jurist coming from the German Ministry of (in)justice), retires).

All this is a sad cynical farce. They cannot care less about the quality of patent work at EPO. Only their little interests matter, not that of the Public, much less that of true inventors.

[Tuesday, 17 October 2017 at 20:16:00 BST](#)

**Anonymous said...**

Sorry guys but you seem to be very critical about the quality of work at the EPO and this is not fair.

Look this chart : <https://www.suepo.org/documents/42912/54300.pdf>

It speaks for itself. Contrary to your allegations, it shows how good the quality of work at EPO must be if so many Battistelli's associates now work at EPO.

La Famiglia

[Tuesday, 17 October 2017 at 22:12:00 BST](#)

**Anonymous said...**

Do not forget the extraordinary quality of the investigative unit and disciplinary committees !

They always find the culprits among staff reps and union officials at a 100% rate !

[Wednesday, 18 October 2017 at 08:25:00 BST](#)

**Glad to be out of the madhouse said...**

Re. the quality of work at the EPO, here's my two pennies' worth:

I'm a former EPO examiner, currently working as a professional representative, prosecuting quite a lot of applications both in Europe and overseas, and both for domestic and overseas clients. Consequently, I believe to have a decent insight into the current and past situation, as well as some points of comparison with other patent offices. My evidence is of course purely anecdotal, but I believe it to be rather representative.

Examination quality at the EPO has historically had three strong points and one weak point: the strong points were quality of search, supervision of the primary examiners' work thanks to the three sets of eyes' system at the examination division, and consistency in the evaluation of inventive step thanks to the problem-solution approach and how it's drilled into examiners' heads during training. The historically weak point has always been bad training concerning clarity, which is related to the "once it's granted, it isn't our problem any longer" view of patents at the EPO, leading to a very formalistic, by-the-numbers examination of clarity at the EPO, without taking into account the actual purpose of the patent claims: determining whether there is infringement or not. There have of course always been outliers with respect to quality, individual examiners clearly unable and/or unwilling to do a proper work, and a clear lack of accountability of these examiners, but thankfully it has historically been a very small minority.

During the Battistelli era, I have noticed a very clear degradation of quality in three aspects. The first is quality of search: I more and more often see other patent offices (mostly USPTO and China's SIPO, but even the New Zealand PO) come up with "killer" prior art for applications that passed the EPO's search report with flying colours. This is of course intensely frustrating for my domestic clients, who choose to invest significant money in foreign filings based on the EPO's search report to see the application then squashed abroad. The second issue is an increasing tendency by examiners to "push" applications to grant, with examiner amendments that are too restrictive (without consulting me first), unwittingly introduce added matter and/or are riddled with clerical and language errors. I'm losing count of the times I've had to file requests for correction of the text intended to grant due to an erroneous amendment by the examiner. The third issue is a worrying readiness to summon to oral proceedings as a means to pressure the representative to accept amendments proposed by the examiner. Requests to hold the OPs by videoconference are of course systematically denied without much reason, putting representatives not based in Munich or The Hague at a clear disadvantage.

Knowing the EPO's internal production evaluation system, it is quite clear that every one of these problems has Battistelli's productivity pressure at its source. Examiners pushed to churn out increasing numbers of "work products" (search reports and grants/refusals) at the end of the year cut corners in search first, and then in the exchanges with the representative during examination. This has, in many ways, negative effects on applicants and professional representatives as much as on third parties. It appears that I'm not the only person working "at the coal face" of patent prosecution to be aware of these problems, and that we should start making our complaints better heard at the level of the AC.

[Wednesday, 18 October 2017 at 08:53:00 BST](#)

 **Proof of the pudding said...**

@MaxDrei

So it was a "tactical" decision by the "rebel" AC delegations not to strongly resist the current President and his horrible policies? Hmmm.

To quote John Stuart Mill: "*Bad men need nothing more to compass their ends, than that good men should look on and do nothing*". That applies pretty directly here, doesn't it?

And, pray tell, what did the "rebel" AC delegations stand to lose by registering their dissent? They certainly would not have lost their standing or their vote, so what were they afraid of risking? As I see it, the only two possibilities are money and influence. The former is no excuse to look the other way whilst bad things happen under your watch. The latter is more complex but also, ultimately, no excuse. What is the point of biding your time in order to regain control when what you seek to control is being systematically dismembered in the meantime?

There is also another evil that is committed by the "rebel" AC delegations remaining silent. That is, it covers up the utterly dysfunctional nature of the AC, where the President (eg through judicious use of "cooperation" projects and budgets) appears to be able to "buy" the undying loyalty of certain AC delegates. Covering this up delays, or perhaps even prevents, reform of the governance of the EPO that is so obviously (and so urgently) required.

It may not be "diplomatic", but sometimes it is essential to take a strong stand against evil - even if that risks provoking conflict. Why? Because sometimes those that we struggle against are either sociopaths or psychopaths who will stop at nothing to achieve their own, selfish aims. That would seem to apply pretty directly here as well, eh?

[Wednesday, 18 October 2017 at 09:49:00 BST](#)

#### Still examiner. said...

I would like to inform "glad to be out of the mad house" of our internal regulations. We are not supposed to write more than one communication as "speed of procedure" has top priority. The number of extra communications is counted for our search report and I know of colleagues who were quietly suggested to retire because they were writing too many. Some directors did not apply this untold rule, but 60 or so directors are out of a job since last summer. Statistics on why these particular directors were sacked are not available. Part of their posts are still open. So effectively, as an examiner, you cannot write extra communications. The only options are oral proceedings or grant with examiner written amendments. You can complain about it to your earth's content, it will have no effect. Our management has as much contempt for the applicants as for the staff. And why wouldn't they? They are effectively immune to everything. The election of Campinos, a man with a career riddled with scandals should prove it.

About searches: the new examiners are only trained in our new system called ansera. It finds prior art mostly automatically, you saw the results.

[Wednesday, 18 October 2017 at 12:46:00 BST](#)

#### Een onwerkelijke situatie said...

@ Pudding

The current situation at the EPO is described in the Bijblad bij De Industriële Eigendom for April 2017. [https://www.rvo.nl/sites/default/files/octrooiportal/2017/04/Bijblad\\_2017\\_nr\\_2\\_april.pdf](https://www.rvo.nl/sites/default/files/octrooiportal/2017/04/Bijblad_2017_nr_2_april.pdf)

*"The Administrative Council (AC) of the European Patent Organization (EPO) held its most recent meeting on 15 and 16 March 2017.*

*To begin, the AC has now lost a lot of ground only a year after the AC itself gave very clearly defined tasks to the EPO President Battistelli with a unanimous resolution. Due to his evident influence over a large group of smaller states Battistelli does not have to worry about the smaller group of larger critical patent countries (CH, NL, DE FR, GB, SE). An unreal situation."*

[Wednesday, 18 October 2017 at 14:47:00 BST](#)

#### Kant said...

The situation outline by "Still Examiner" is one which has been de facto situation in the USPTO. The difference is that in the US, the request for continued examination is available allowing applicant to continue the prosecution. It seems to me that the EPO MUST introduce such a procedure to compensate for the push for a streamlined examination.

[Thursday, 19 October 2017 at 09:02:00 BST](#)

#### Proof of the pudding said...

In the light of the comments on this thread (and on other blogs / sites that more directly address the issue of quality at the EPO), I find it interesting to mull over the following points.

EPO fees have certainly not been reduced in recent years (in fact, they have gone in the opposite direction). However, the level of service provided by the EPO in return for fees paid by applicants has, despite the valiant efforts of many examiners, pretty much fallen off a cliff.

With grants and "efficiency" (ie cases "disposed of" per year) driven up under the current EPO management, it is clear that the net income from fees (ie gross income minus the costs of conducting the tasks for which those fees were paid) will be significantly increased for both the EPO and the EPC Member States.

This raises a number of questions.

Firstly, where is all of the additional income going, especially within the EPO?

Secondly, for how long will applicants continue to accept having to pay premium level fees for bargain basement level service?

Thirdly, where is the voice of the professional associations in all of this? I would have thought that at least the epi ought to be complaining long and hard (and publicly!) about the all too obvious drop in quality. And if they are not doing this, then why not?

At the end of the day, it is clear that a majority of EPC Member States are addicted to the fee income, and so care more about maintaining that income than they do about maintaining standards at the EPO (whether standards on quality or on fundamental issues of human rights). There is nothing to suggest that the Member States will change this of their own free will. Not even being dragged before the European Court of Human Rights has shamed them into taking action. But they **will** listen to those that pay the fees upon which they rely.

[Thursday, 19 October 2017 at 11:02:00 BST](#)

#### The pink kitten said...

Gentlemen, I think it is time to realize that the war is lost.

I was at the lecture given by Christoph Ernst at the Max Plank Institute. In effect, he explained to the assembled representative of German applicants and attorneys that he did not care about their concerns and that he will do nothing.

Mr. Campinos track record at EUIPO makes it crystal clear that he is in the same boat as Battistelli. Don't expect any change in policy. Actually, expect the situation to become much worse.

In the administrative council, the following delegations have tried to oppose Battistelli's system: France (voted against policies and tried to pressure Battistelli), Switzerland (initiated the open letter from the Council), Denmark (removed Kongstadt), Italy (presented another candidate), Netherlands (court cases and questions in the Hague), and a few I forgot (mainly in northern Europe, I think). Basically, all major Patent countries opposed Battistelli at some point, with the notable exception of the UK (Brexit did not help) and of course Germany. Correct me if I am wrong.

This achieved exactly nothing. The newly elected people are the same policy under a different name. The war is lost, there is no battle left to be fought.

What does this mean for the applicants? It means that for the same price as usual, you get a shoddy search and a language check. You get a piece of paper that is probably trivial to invalidate in court. And your only choice, is either this kind of patent or no patent at all. It may take a few years, but SMEs will start to realize that it is not worth the effort, so expect patent attorneys to feel a dearth of customers at that point. Unless they work for large applicants, maybe.

What this also means is that now, right at the center of Europe, we have a place where nobody needs to respect employment laws. People, including elected representatives and managers, can be harassed and fired at will without any consequences. Salaries can be halved, benefits can be cut and public holidays need not be granted. Independence of the judicial sends one next to a mad house, literally. Permanent contracts are revoked. Maybe demonstrating that this kind of "modernisation" of employment laws is possible right in the center of Europe was also part of the plan, I do not know.

[Friday, 20 October 2017 at 09:23:00 BST](#)

#### Proof of the pudding said...

@The pink kitten

Whilst things may look very dark indeed, I am of the opinion that perseverance will see us through. This is not based upon blind optimism but rather a recognition that, in the end, we are dealing with politicians. This means that generation and application of appropriate "political" pressure ought to be more than capable of leading to a satisfactory outcome.

The complete silence and disengagement of the UK and German delegations to the AC are obviously a barrier to generating the necessary political pressure. However, the UK and German associations of professional representatives ought to be able to do something about that. CIPA, PAK, epi: this means you! Where is your voice? Are you not obliged to defend the interests of your members here (in view of the threat to the integrity and reputation of the patent system, as well as to the business that your members do with SMEs)?



Of course, the disinterest of the media is not only unhelpful but also (especially in Germany) slightly suspicious. What is needed here is a "hook" for a story that the media can run. This is where it may help to recall that one of the first steps undertaken by the current President was to remove any kind of independent oversight of the EPO's financial dealings. It therefore stands to reason that, if there is any "dirt" to be found, it will be uncovered by looking into in those dealings. We all know how certain sections of the media love stories about financial wrongdoing, especially within the privileged and elite world of Eurocrats.

None of this will be easy, especially for those inside of the EPO who are suffering right now (and who can be forgiven for giving up hope in the face of seemingly relentless and overwhelming force). But what we do at this critical time will determine the kind of European patent ecosphere that we will get for many decades. Do we want Europe-wide patent monopolies being handed out by an office whose governance has been completely corrupted, and where the concept of meaningful quality has been abandoned? What will happen to the economies of Europe if this continues? The stakes are simply too high to give up now.

[Friday, 20 October 2017 at 12:17:00 BST](#)

**Anonymous said...**

at The pink kitten said...

your diagnostic is correct, factually what you present is right. All that happens at EPO can be technically described as matching the description of a true authoritarian regime under which violating the rights of individuals and acting rogue has become the norm. If this would happen in western EU countries the decision takers (Battistelli, VP4, VP5, Bergot and her management) would have been brought to courts and sentenced, no doubts.

This being said what will happen in the future at EPO is unknown. Nothing is carved in stone one way or another. It can be the same, better even worse.

Currently it seems that the public (IP media at least) seems to start realising that Germany (via the excellent Dr Ernst) is selling the EPO in exchange for a soon-to-become-available-VP5-position-at-epo (in which he will probably double his income).

Public interests some said in the room ? very drole.

What will Campinos do? perhaps follow the path of Battistelli perhaps also not. We should not charge him as guilty before he has even arrived at EPO. We know who he is and what he did but not what he will do.

Future will tell, soon. Do not forget that Campinos will also have to live with Battistelli's toxic legacy and it is likely that more social casualties happen when he arrives since the camel's back is close to broken and the number of strained staff far too high for too long (do not forget that suicide nr 7th was avoided 3 weeks ago in The Hague).

At some point (suicide nr 8, 9, 15 perhaps) they will have to do something. The terrible thing is both the apathy of EPO staff most of whom live in denial (maybe as a form of protection but still) and that of middle management (always prone to follow orders no matter how noxious HR policies may be).

As as to the quality of patent: well no one cares so why should you !

[Friday, 20 October 2017 at 12:26:00 BST](#)

**Anonymous said...**

Article about the official position of SUEPO on the election of Mr Campinos

<http://patentblog.kluweriplaw.com/2017/10/19/heavy-task-lies-ahead-of-antonio-campinos-as-future-epo-president/>

As one will see the Battistelli's legacy Mr Campinos will have to deal with is heavy and toxic. This being as a professional social partner SUEPO shows here what can be qualified as a pragmatic and reasonable approach: first pose a diagnosis, then indicate possible ways to mitigate and most of all give Campinos the benefit of the doubt as to his intentions and future actions.

Thanks for having had the guts to take such position under the current circumstances. I am proud to be member of SUEPO.

[Friday, 20 October 2017 at 12:33:00 BST](#)

**MaxDrei said...**

Pink, you set me thinking.

The itinerant (citizen of nowhere) and sociopathic volume users of the EPO, the multi-national corporations, the Global Titans, they pay virtually no taxes anywhere. So, of course, the EPC Member States tax them through EPO fees.

Big Corp is happy to pay. Those outrageous EPO fees deter the pesky SME's from filing.

Also the disappearing presumption of validity of EPO grants is something that suits Big Corp. It renders it all but impossible for an SME to use a patent against a volume user.

Also labour rights at the EPO. Sociopaths don't give a fig about any abuses.

So what to expect from the AC, the new Chair and the new EPO President? More of the same, as you surmise. Proud to be European? Not so much, these days. Will nobody in a position of responsibility defend any longer human rights and the Rule of Law? Or do we have to lose these precious things before we realise what we have squandered?

[Friday, 20 October 2017 at 12:46:00 BST](#)

**The pink kitten said...**

The disinterest of the media is more than slightly suspicious. Journalists who wrote about the EPO were changed posts.

As to what will happen to the economies of Europe, we know from what happened to the economy of the USA 10-15 years ago. Small and medium enterprises disappeared, the economy concentrated into an ever dwindling number of hands and production of goods moved to China. Then they elected Trump. Patents are only a little part of that story of course and yes, it is worth fighting for, but how? And what are we exactly fighting against?

Battistelli is a freemason, just look at the ring he wears. Did you know that Campinos is a freemason as well?

[Friday, 20 October 2017 at 13:21:00 BST](#)

**Proof of the pudding said...**



@The pink kitten

It is perhaps possible that the involvement of freemasonry can provide an explanation for some of the curious things that have happened in (or in connection with) the EPO. However, that is no reason to get disheartened. There is a difficulty faced by any organisation that tries (covertly) to manipulate events against the public interest. That is, there are more of "us" than there are of "them"... meaning that, ultimately, "they" cannot keep a determined "us" down.

[Friday, 20 October 2017 at 14:47:00 BST](#)

**MaxDrei said...**

I realise, Pink, one must be cautious about "conspiracy theories" but on the subject of the USA you have to wonder about some of the provisions implemented in the AIA, and whether they benefit Big Corp or the SME's.

Consider for example what constitutes the prior art.

Everything unpublished at the date of the claim, but filed earlier, anywhere in the world, in whatever language, is available for both novelty and obviousness attacks on that claim. Everything, that is, except your own earlier filings. They are exempt.

Thus, bulk filers, the Goliaths of the patent world, can build up impenetrable thickets of overlapping patent rights.

And Little David? Everything he files gets whacked as obvious by all the stuff the volume filers filed already, right up to one day before.

How long before the EPC Member States change the EPC in the same way, at the behest of the lobbyists?

Has it not started already. Consider: Prof Dr Willem Hoyng, that very prominent patent litigator, is saying that Art 54(3) has to be strengthened, its scope widened, to embrace more than strict novelty.

[Friday, 20 October 2017 at 15:43:00 BST](#)

**MaxDrei said...**

I said above that the Big Corporate Fish don't care about abuses of human rights at the EPO. I was wrong.

They do care. If the EPC Member States evidently abuse their own employees, it becomes hypocritical of elected Governments to criticise Big Corp, when it, in turn, abuses the rights of its own employees.

This neutering of any political criticism of labour abuses in multi-national corporations is extremely useful for them and their lobbyist forces.

Thus, for the EPO's paymasters, the more human rights abuse of employees at the EPO, the better. Shame on you, Member States, in the pockets of the sociopathic multi-national corporations.

[Friday, 20 October 2017 at 22:23:00 BST](#)

**Anonymous said...**

at The pink kitten said...

please do not spread fake info of the kind wrt Battistelli's ring.

His cheap ring is called a chevaliere. This is a pleb ring which no decent frenchman mastering etiquette would wear for at least forty years (except in the deep countryside province). It is a sign of utterly bad taste, as is, his pathetic golden Hermes belt which again no one disposing upon a decent education would wear since the 1970s.

Battistelli is what is called in FR a prolo. A man with no education and no behavior.

As to the Masonery. No one knows (by nature unless he reveals it which is not the case) if he is a free mason but many speculate. Even if he was, all what he did to the EPO has nothing to do with Masonery but with his cheap behaviour.

Do not forget that when he candidated for the position of VP1 (when FR ex VP1 Mr Michel retired about 13 years ago) the EPO organised for once (and never again) a real high level assessment center (with Roland Berger). Believe it or not: Battistelli was the ONLY candidate classified as totally unsuited for the position of VP (in particular for his obvious lack of social skills and arrogant behaviour).

Few years after, after 30 rounds or more of votes he was elected president. He owes his position to the activism of Sarkozy.

So Pink there is no illuminati involved nor Opus Dei as many wrongly speculate. This pathetically human and cheap human in the very case of Battistelli.

[Friday, 20 October 2017 at 23:18:00 BST](#)

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